

E-Filed – link to #193

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:08-cv-00565-RBL(AJWx); 5:09-cv-00503-SGL(CTx) Date December 30, 2013

Title Lewis Webb, Jr. v. Twin Palms Aviation, Inc., et al.; Michael L. Webb v. Estate of Timothy Cleary, et al.Present: The
Honorable**GEORGE H. KING, CHIEF U. S. DISTRICT JUDGE**

Beatrice Herrera

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (In Chambers) Order (1) Filing and Spreading of Mandate of the Ninth Circuit and (2) Remanding Action to State Court;

On April 25, 2008, case number INC075773 was removed to this Court from Riverside County Superior Court, and assigned case number 5:08-cv-00565-RBL(AJWx). On March 10, 2009, case number INC081422 was removed to this Court from Riverside County Superior Court, and assigned case number 5:09-cv-00503-SGL(CTx). On July 14, 2009, the Court ordered that these two cases be consolidated, that all further filings be made in case number 5:08-cv-00565-RBL(AJWx), and that the docket for case number 5:09-cv-00503-SGL(CTx) be closed.

After proceedings in this Court concluded, the consolidated cases were appealed to the Ninth Circuit Court of Appeals under the consolidated case number, 5:08-cv-00565-RBL(AJWx). In an unpublished memorandum decision issued May 9, 2013, that court vacated the judgment and remanded the action with instructions to remand it to state court because this Court lacked subject matter jurisdiction. On July 2, 2013, the Court of Appeals issued its mandate, and on July 10, 2013, the mandate was filed in case number 5:08-cv-00565-RBL(AJWx), and the action ordered remanded to state court.

To ensure that all claims addressed by the Ninth Circuit are remanded to state court, it is hereby ORDERED that: (1) the Mandate of the Ninth Circuit Court of Appeals be FILED AND SPREAD upon the record of this court in case number 5:09-cv-00503-SGL(CTx); and (2) the case of *Michael L. Webb v. Estate of Timothy Cleary, et al.*, 5:09-cv-00503-SGL(CTx), Riverside County Superior Court case number INC081422, be remanded to Riverside County Superior Court. Plaintiff's Ex Parte Application (docket No. 193) is **DENIED** as **MOOT**.

IT IS SO ORDERED.

Initials of Preparer

Bea